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LETTER DATED 17 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you herewith of the latest developments regarding the continued failure of Iraq to comply with the Security Council resolutions, and in particular resolution 687 (1991) since the latest review by the Security Council on 29 March 1993 of the sanctions regime for Iraq. This constitutes an open challenge to the Security Council resolutions and a determination to challenge the will of the international community. The nature and character of Iraq's implementation of its obligations under the relevant Security Council resolutions have not themselves changed with its professed claim to be implementing the Security Council resolutions in order to have the embargo lifted without fully assuming its fundamental responsibilities towards the substance, spirit and letter of those resolutions. The following Iraqi practices demonstrate Iraq's failure to comply with the Security Council resolutions.

1. United Nations Iraq-Kuwait Boundary Demarcation Commission

Despite the provisions of paragraphs 2, 3 and 4 of Security Council resolution 687 (1991) demanding that Iraq and Kuwait respect the inviolability of the international boundary between them, and despite the fact that the Iraq-Kuwait Boundary Demarcation Commission expects to complete all its work and the tasks entrusted to it pursuant to Security Council resolution 687 (1991) on 20 May 1993, Iraq still persists in rejecting the reports and decisions of the Commission and in refusing to participate in its meetings, the latest of which was held at Geneva from 3 to 7 May 1993. Such rejection and refusal are clear proof of its failure to comply with resolution 687 (1991); failure to comply was also demonstrated on numerous previous occasions by the following acts:

(a) Iraq's rejection of the decisions of the Commission regarding the demarcation of the land boundary;

(b) Iraq's failure to participate in the four meetings preceding the above-mentioned meeting of the Boundary Demarcation Commission;

(c) Iraq's continued refusal to accept Security Council resolution 773 (1992), in which the Security Council welcomed the decisions of the Iraq-Kuwait Boundary Demarcation Commission on the demarcation of the land

boundary and requested Kuwait and Iraq to respect the international boundary between their two countries;

(d) Iraq's carrying out of prohibited operations of infiltration inside Kuwaiti territory, which made it necessary for the Security Council to adopt resolution 806 (1993) in order to strengthen the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the demilitarized zone between the two countries.

2. Iraqi assertions of Kuwait's dependence

Aware of the importance of not ignoring or remaining silent over such Iraqi assertions, we addressed to the President of the Security Council two letters, which were issued as documents S/25384 and S/25465 on 9 and 23 March 1993 respectively. In those letters, we drew attention to the gravity of these assertions for the security and stability of the region in view of the fact that they represented a continuation of the hostile Iraqi policy towards Kuwait. Iraqi indifference to Security Council resolutions and to appeals by members of the Security Council to Iraq to refrain from such assertions at each periodic review of the sanctions regime constitutes an open challenge to the substance of those resolutions, which is the need for Iraq to respect the sovereignty and independence of Kuwait, as well as its territorial integrity and international legitimacy.

We should like to draw your attention and that of the Security Council to some of the Iraqi assertions that have been made since the previous review and up to the time of drafting of this letter:

1. On 28 March 1993, the magazine Babil, whose editorial board is chaired by Udayy Saddam Hussein, son of the Iraqi President, published a news item under the heading "Air Manoeuvres in the Governorate of Kuwait", in which, as is its habit in reporting on Kuwaiti affairs, it used expressions designed to show that Kuwait is still a part of Iraq. For example, the article refers to the State of Kuwait as "the Governorate of Kuwait" and it refers to the official Kuwaiti News Agency as the local news agency of the Governorate.

2. Similar appellations demonstrating the intentions and attitude of Iraq towards Kuwait were contained in news items on Kuwait published by the magazine Babil on 4 and 27 April 1993.

3. On 17 April 1993, the magazine Babil printed the following page-one banner headline on the anniversary of the liberation of "Iraqi" Fao: "Fao - Kuwait - Permanent Liberation, God Willing".

4. In addition to the magazine Babil, all the other Iraqi newspapers without exception, as well as the official broadcast media intentionally use the description "the Kuwait region" whenever it is necessary to mention Kuwait, a clear sign that the Government of the Iraqi regime still insists on its claims that Kuwait is a part of Iraq.

3. Kuwaiti and other third-country prisoners and missing persons

With regard to this purely humanitarian question, despite the fact that two years have passed since the adoption of resolution 687 (1991) and despite the official agreement of Iraq to the said resolution, no progress whatsoever has been made on this item for the following reasons:

1. Iraq has not yet fulfilled its obligations pursuant to paragraph 30 of that resolution requesting Iraq to extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for such persons.

2. Two months after receiving the files of 627 persons from the International Committee of the Red Cross, Iraq had still not responded, contrary to its former practice of responding to any file within 10 days of receiving it.

3. Outside the Security Council mechanism for dealing with this question, Iraq is still delaying its reply regarding its reception of the emissary of the Secretary-General of the League of Arab States, Mr. Rashid Idris, on a proposed visit to Iraq to offer his good offices as an intermediary for the release of prisoners and detainees.

4. In an attempt to confuse matters, Iraq claims that its return on 9 May of a Kuwaiti family of 6 who had lost their way in the demilitarized zone shows that Iraq has returned or is no longer retaining any Kuwaiti or third country prisoners or detainees. Iraq has neglected to mention that it is still detaining a number of third country nationals who lost their way or were taken forcibly while in the demilitarized zone, including two Pakistani nationals. Iraq has also neglected to mention that such cases are dealt with by the Kuwaiti side in a manner which bears no relationship to prisoners or detainees, such as was the case when Kuwait, on 5 May, returned seven Iraqi children spotted the previous day by a Kuwaiti patrol on the Kuwaiti side of the demilitarized zone between Umm Qasr and Safwan.

4. Return of stolen property from the State and private sectors

Despite the apparent cooperation of Iraq on this matter, it should be borne in mind that what is returned by Iraq in compliance with resolutions 686 (1991) and 687 (1991) constitutes a deficient implementation of those resolutions for the following reasons:

1. Most of the equipment handed over by Iraq is intentionally sabotaged or destroyed even only hours before it is handed over, which makes it valueless and unfit for reuse.

2. The Iraqi authorities still insist that they are not responsible for the return of property stolen from the private sector, valued at hundreds of millions of dollars, some of which was burnt or removed to Iraq in accordance with inventories issued by Iraqi Ministry and signed and sealed by specialized Government agencies which came to Kuwait to supervise the theft and removal. We

have some originals and photocopies of those documents which were left behind by the Iraqi regime after its expulsion.

3. Iraq does not abide by the lists agreed upon with the United Nations Coordinator for the return of property from Iraq to Kuwait, but constantly endeavours to delay or hinder the hand-overs, thus giving rise to additional costs and administrative measures for Kuwait.

5. Compensation fund

Iraq has not carried out its obligations with respect to the compensation stipulated by Part E of resolution 687 (1991) and the operation of the compensation fund in the manner stipulated by paragraph 19 of that resolution by disclosing its gold and foreign currency assets. It has persisted in refusing to implement resolutions 706 (1991) and 712 (1991), a violation which implies a double catastrophe since it harms both Iraqis and non-Iraqis. This too is a humanitarian question of great importance for which Iraq should be held fully responsible.

6. Weapons of mass destruction

Iraq's cooperation with the Special Commission and the International Atomic Energy Agency has not been satisfactory, since despite its claims of providing information on its programmes to develop nuclear, chemical and other biological weapons, and of cooperating with the inspection teams, Iraq regularly hinders the freedom of movement of the Special Commission and has, as you know, on a number of occasions, threatened individuals working for the Commission. Furthermore, Iraq continues to reject resolutions 707 (1991) and 715 (1991) on the long-term monitoring of the weapons of mass destruction in its possession and the disclosure of the names of the companies that exported materials and equipment to Iraq for the manufacture of such weapons.

The matters noted above provide true indications that Iraq is maintaining its policy of challenging Security Council resolutions. Since the principal objective of these resolutions is to ensure the complete respect of the independence, sovereignty and integrity of Kuwait, the international community is bound to take the appropriate measures to ensure the compliance of Iraq with the spirit and letter of the relevant Security Council resolutions. It should not remain content to focus on dealing with questions and matters arising from the invasion of Kuwait by Iraq, since if the still extant reasons for the invasion, which are the continued claims that Kuwait is a part of Iraq, are not dealt with, the matter will not be settled. Iraqi intentions still threaten the peace and security of the region.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

بابل

عدي صدام حسين
عامر الحمدي
رعد الحمداني

رئيس مجلس الإدارة
مدير التحرير
سكرتير التحرير

بابل جريدة يومية سياسية

صدرت في دار الحرية للصحافة

الفاو.. الكويت.. تحرير دائم ان شاء الله

برعاية الرئيس القائد..

المكتب التنفيذي للتجمع النقابي ينظم ايام نقابية للاحتفال بتحرير الفاو